

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY, a Pennsylvania
corporation,**

Plaintiff,

- against -

**SERVICES FOR THE UNDERSERVED,
INC., a New York corporation,**

Defendant.

Civil Action No.07 CIV 6478 (GEL)

**STIPULATION OF DISCONTINUANCE
WITHOUT PREJUDICE**

ECF CASE

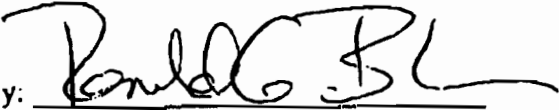
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above entitled action, that the above entitled action be and hereby is discontinued, without prejudice and without costs to any party as against the other, and

IT IS FURTHER STIPULATED AND AGREED, that in the event plaintiff shall commence a new action that defendant shall not assert Statute of Limitations as an affirmative defense to said action to the extent that defense is based on the time period commencing July 17, 2007; and

IT IS FURTHER STIPULATED AND AGREED, that in the event plaintiff shall commence a new action that defendant shall not assert timeliness as to the issuance of the disclaimer as an affirmative defense to the extent that defense is based on the time period commencing May 1, 2007.

Dated: New York, New York
October 4, 2007

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So Ordered:


United States District Judge